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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,618

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

11/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/085,618	Applicant(s) ARAKANE ET AL.	
	Examiner LUONG T. NGUYEN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 10/05/2007 with respect to the rejection of claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Specification, Pages 1-2, Figures 4A-4C) in view of Schweitzer et al. (US 5,867,313) have been fully considered but they are not persuasive.

In re page 5, Applicants argue claim 1 requires "a hand strap hanging freely in a generally vertical direction from the apparatus..., wherein the hand strap fitting part is formed in a position that comes below the camera lens on the identical surface on which the camera lens is located so that the free-end portion of the hand strap does not swing and move into a field of view of the camera lens when the mobile apparatus is held for photographing in an upright position in which a longer side of the mobile apparatus is held upright with the top portion thereof in which the earphone section is disposed being directed upward and the bottom portion thereof in which the microphone section is disposed being directed downward," and the Admitted Prior Art and Schweitzer et al., alone or in combination, fail to teach or suggest this feature.

In response, regarding claim 1, Applicants amended claim 1 with limitation "an earphone section disposed in a top portion of the apparatus and a microphone section disposed in a bottom portion of the apparatus; a hand strap hanging freely in a generally vertical direction from the apparatus..., wherein the hand strap fitting part is formed in a position that comes below the camera lens on the identical surface on which the camera lens is located so that the free-end

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portion of the hand strap does not swing and move into a field of view of the camera lens when the mobile apparatus is held for photographing in an upright position in which a longer side of the mobile apparatus is held upright with the top portion thereof in which the earphone section is disposed being directed upward and the bottom portion thereof in which the microphone section is disposed being directed downward.” The Examiner considers that claim 1 as amended still does not distinguish from Admitted Prior Art in view of Schweitzer et al. Admitted Prior Art (Figure 4C) discloses an earphone section (earphone section 6) disposed in a top portion of the apparatus and a microphone section (microphone section 8) disposed in a bottom portion of the apparatus, a hand strap (hand strap 4) hanging freely in a generally vertical direction from the apparatus. The Admitted prior Art further discloses that the mobile apparatus is held for photographing in an upright position in which a longer side of the mobile apparatus is held for photographing in an upright position in which a longer side of the mobile apparatus is held upright with the top portion thereof in which the earphone section is disposed being directed upward and the bottom portion thereof in which the microphone section is disposed being directed downward (Figures 4A-4C shows a mobile telephone incorporating camera which is held for photographing in an upright position, in which earphone section 6 is disposed in the top portion of the mobile telephone camera, and microphone section 8 is disposed on the bottom portion of the mobile telephone camera).

The Admitted Prior Art Figures 4A only fail to disclose wherein the hand strap fitting part is formed in a position that comes below the camera lens so that the free-end portion of the hand strap does not swing and move into a field of view of the camera lens.

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However, Schweitzer et al. teaches a mobile imaging apparatus in Figure 1 that has a tether line 184 extending from the first end 178 of handstrap 175, which is located below the objective lens of the night vision monocular 10 and on the same surface with the objective lens; the other end of the tether line 184 attaches to the lens cap 170, thereby allowing the lens cap 170 to swing below the objective lens, and preventing the lens cap from being lost (Figure 1, Column 7, Lines 49-67). Schweitzer et al. is therefore recited as a general teaching that it is desirable in an imaging device to keep a swingable object (in this case a lens cap) below the lens of the imager, thereby prevent small amounts of swing from impinging on the field of view of the lens.

In re page 6, Applicants argue that the tether line 184 extends from an end of the strap 176 and does not constitute a hand strap. Thus, this lens cap tether line of Schweitzer et al. would not have suggested one of ordinary skill in the art how to rearrange the hand strap of the unit shown in Figures 4A-4C to result in the invention of claim 1.

In response, the Examiner considers that the Admitted Prior Art discloses claimed limitation "hand strap," and Schweitzer et al. is used for teaching that the one end of the tether line 184 is located below the objective lens and on the same surface with the objective lens. With this teaching of Schweitzer et al., one of ordinary skill in the art can rearrange the hand strap fitting part 3 of the unit shown in Figures 4A-4C by locating the hand strap fitting part 3 below camera lens 9 to result the invention of claim 1.

Further, it should be noted that the Admitted Prior Art discloses the claimed invention except for the limitation "the hand strap fitting part is formed in a position that comes below the

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camera lens.” It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the hand strap fitting part in a position below the camera lens to prevent the hand strap from being swung in front of the lens, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 11/27/2006 has been considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Specification, Pages 1-2, Figures 4A-4C) in view of Schweitzer et al. (US 5,867,313).

Regarding claim 1, the Admitted Prior Art Figures 4A discloses a mobile apparatus incorporating a camera, comprising:

a camera lens (lens 9, Figure 4A);

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an earphone section (earphone section 6, Figure 4C) disposed in a top portion of the apparatus and a microphone section (microphone section 8, Figure 4C) disposed in a bottom portion of the apparatus;

a hand strap hanging freely in a generally vertical direction from the apparatus having, at one end thereof, a free-end portion that is swingable and, at another end thereof, a tied-end portion that is fixed and held by the mobile apparatus (hand strap 4, Figure 4A-4B);

a hand strap fitting part formed on the identical surface on which the camera lens is located for firmly holding the tied-end portion of the hand strap (hand trap fitting part 3, Figure 4A);

the mobile apparatus is held for photographic in an upright position in which a longer side of the mobile apparatus is held for photographing in an upright position in which a longer side of the mobile apparatus is held upright with the top portion thereof in which the earphone section is disposed being directed upward and the bottom portion thereof in which the microphone section is disposed being directed downward (Figures 4A-4C shows a mobile telephone incorporating camera which is held for photographing in an upright position, in which earphone section 6 is disposed in the top portion of the mobile telephone camera, and microphone section 8 is disposed on the bottom portion of the mobile telephone camera).

The Admitted Prior Art Figures 4A fails to specifically disclose wherein the hand strap fitting part is formed in a position that comes below the camera lens so that the free-end portion of the hand strap does not swing and move into a field of view of the camera lens. However, Schweitzer et al. teaches a mobile imaging apparatus in Figure 1 that has a tether line 184 extending from the first end 178 of handstrap 175, which is located below the objective lens of

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the night vision monocular 10 and on the same surface with the objective lens; the other end of the tether line 184 attaches to the lens cap 170, thereby allowing the lens cap 170 to swing below the objective lens, and preventing the lens cap from being lost (Figure 1, Column 7, Lines 49-67). Schweitzer et al. is therefore recited as a general teaching that it is desirable in an imaging device to keep a swingable object (in this case a lens cap) below the lens of the imager, thereby prevent small amounts of swing from impinging on the field of view of the lens.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Admitted Prior Art Figures 4A by the teaching of Schweitzer et al. in order to prevent the hand strap of AAPA's mobile phone from being swung in front of the lens, thereby minimizing the chance of the lens strap detrimentally obstructing the lens during image capture.

Regarding claim 2, the Admitted Prior Art Figures 4A and Schweitzer et al. disclose wherein the hand strap fitting part is located in such a way that a swinging center of the hand strap comes below a horizontal line tangential to a bottom edge of the camera lens when the mobile apparatus is held for photographing in the upright position.

Regarding claim 3, the Admitted Prior Art discloses wherein the mobile apparatus is a mobile telephone (Specification, Pages 1-2).

Conclusion

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
11/06/07



LUONG T. NGUYEN
PATENT EXAMINER